IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2259 OF 2004

IN

SUMMARY SUIT NO. 3193 OF 2003

AND

NOTICE OF MOTION NO. 2260 OF 2004

IN

SUMMARY SUIT NO. 3166 OF 2003

AND

NOTICE OF MOTION NO. 2261 OF 2004

IN

SUMMARY SUIT NO. 3165 OF 2003

AND

NOTICE OF MOTION NO. 2262 OF 2004

IN

SUMMARY SUIT NO. 3167 OF 2003

AND

NOTICE OF MOTION NO. 2263 OF 2004

IN

SUMMARY SUIT NO. 3120 OF 2003

Subhash Knitting Industries
& Ors. ..Plaintiffs

versus

Sohail Noorani ..Defendant

Mr. J. Mitra i/b. D. Fernandes for the Plaintiffs.

Mr. B. Saraf i/b. Nankani Associates for the Defendant.

CORAM : D. G. DESHPANDE,J.

DATE : 11TH OCTOBER 2004.

P.C. :

1. Heard learned counsel for the parties. These are five suits filed by common plaintiffs against the common defendant. Exparte decrees in all the suits have been passed. The above notices of motion have been taken out by the defendant for setting aside those decrees. Even though the suits are different, the arguments are common, therefore common order in all the notices of motion.

2. Decrees came to be passed on 13.2.2004, of which notice was given by the plaintiffs to the defendant, they remained absent for the reasons stated now in the affidavit. However, the notices of motion are taken out after six months in August 2004. There is no satisfactory explanation of the delay. However, by consent, exparte decrees against the defendant in all the above suits are set aside upon two conditions (1) Defendant to deposit Rs.7.5 lacs in this court (Rs.1.5 lacs against each suit) within six weeks from today and to pay Rs.2,000/=

towards costs in each suit. Deposit is without prejudice to the rights and contentions of the parties. Deposit of the amount and costs are conditions precedent.

3. Plaintiffs will be at liberty to withdraw the amount of deposit against undertaking given to the court. No undertaking is required for withdrawing the costs.

4. All the Notices of Motion stand disposed of accordingly.

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